



# STATE OF CONNECTICUT

## OFFICE OF POLICY AND MANAGEMENT

April 2, 2008

Members of the Continuing Legislative Committee on  
State Planning and Development:

**vote**

- Y The Honorable Eric D. Coleman✓
- Y The Honorable Art Feltman✓
- Y The Honorable Jonathan A. Harris✓
- Y The Honorable Leonard Fasano✓
- Y The Honorable Craig A. Miner✓
- Y The Honorable Joseph J. Crisco, Jr.✓
- ~~The Honorable Bill Finckh~~
- Y The Honorable Antonio (Tony) Guerrero✓
- Y The Honorable Jack Malone
- Y The Honorable Richard Roy✓

Dear Senators and Representatives:

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Section 16a-32-5 of the Regulations of Connecticut State Agencies, the Office of Policy and Management (OPM) hereby submits its Findings and Recommendations on the Serenity Ranch, LLC application for an interim change to the *Conservation and Development Policies Plan for Connecticut, 2005-2010 (C&D Plan)*.

Under State statutes, the Continuing Committee has thirty (30) days from receipt of OPM's recommendation to act on the proposed interim change application. My staff and I are available to meet with you at your convenience during this period, if you should have any questions.

Sincerely,

W. David LeVasseur, Undersecretary  
Intergovernmental Policy Division

Attachment

Cc: Senator Thomas P. Gaffey, 13<sup>th</sup> District  
Representative Mary G. Fritz, 90<sup>th</sup> District  
Michael A. Milone, Town Manager, Town of Cheshire  
Honorable Matt Hall, Chairman, Cheshire Town Council  
William Voelker, Cheshire Town Planner  
Joseph Michelangelo, Cheshire Public Works and Engineering  
Peter Dorpalen, Council of Governments Central Naugatuck Valley  
William Hogan, CT Department of Environmental Protection  
Anthony J. Fazzone, Fazzone & Ryan, LLC

## **OPM Findings and Recommendations**

### **Serenity Ranch, LLC for Property in the Town of Cheshire Request for an Interim Change to the Locational Guide Map Conservation and Development Policies Plan for Connecticut, 2005-2010**

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Section 16a-32-1-6 of the Regulations for Connecticut State Agencies, Serenity Ranch, LLC requests an interim change to the Locational Guide Map of the State's Conservation and Development Policies Plan, 2005-2010 (C&D Plan). Serenity Ranch, LLC is the owner of approximately 31.5 acres of property located in the Town of Cheshire.

The applicant requests that land currently designated primarily as Conservation Area be changed to either Neighborhood Conservation Area or Growth Area in order to accommodate the possible extension of public sewer infrastructure to serve the proposed 41 units of Age Restricted (Age 55+) Housing at 210 Wiese Road (Assessor's Map 58 Lot 60). The applicant notes that sanitary sewer facilities are located in Buckland Drive immediately to the north of the subject site, and that the portion of the property designated as Preservation Area would not be encroached upon by the proposed development.

Serenity Ranch, LLC formally requested this interim change in a letter to the Office of Policy and Management (OPM) dated January 11, 2008. OPM notified the Continuing Legislative Committee on State Planning and Development (Continuing Committee) of its receipt of this application on January 24, 2008. The Continuing Committee granted its approval for OPM to proceed with processing this application on January 29, 2008.

On February 26, 2008, OPM notified Cheshire officials with planning and zoning authority of their right to request a public hearing on this application. Upon the conclusion of the 20-day period to request a hearing, Town officials opted to forfeit their right to a public hearing by not responding. Staff from the Council of Governments of the Central Naugatuck Valley confirmed this was intentional.

#### **Overview**

The Town of Cheshire last updated its municipal Plan of Conservation and Development in 2002. That Plan indicates that the existing Water Pollution Control Treatment Plant was upgraded in 1993 and is capable of treating 3.5 million gallons per day. Furthermore, it states that it is the policy of the Water Pollution Control Authority (WPCA) to: 1) sewer areas with a residential density of two dwellings per acre; 2) to sewer areas of one dwelling unit per acre, only if it is adjacent to higher density areas or existing sanitary sewers; and 3) not sewer areas of one dwelling per two acres.

Based on the proposal by Serenity Ranch, LLC to build 41 units of housing on 31.5 acres, it would appear that the extension of sewers would be in conformity with the WPCA's policy – especially in light of the fact that not all 31.5 acres are buildable due to wetlands. However, it should be noted that in a letter dated March 24, 2006, DEP Commissioner McCarthy notified Cheshire officials that extending sewers into areas inconsistent with the C&D Plan could

jeopardize future state funding for the wastewater facility. Her letter went on to state that "We encourage the Town of Cheshire to undertake a wastewater facilities planning project to delineate a sewer service area consistent with the State C&D Plan." Based on a recent conversation with DEP staff, a map depicting sewer service and sewer avoidance areas has yet to be submitted to DEP.

The Serenity Ranch, LLC application also includes a supplemental document dated January 11, 2008 summarizing the findings of Mr. William Root, a Senior Environmental Scientist with Milone & MacBroom, Inc. In his assessment of the proposed project's consistency with the C&D Plan, Mr. Root cites a number of factors to support his position, including that the property does not contain 25 acres of prime farmland soils. While OPM staff is not in a position to question the accuracy of Mr. Root's statement, it should be noted that state data does indicate the presence of over 25 acres of prime agricultural soils. It is for this reason that the area in question is designated a Conservation Area.

Based on this contradiction in data, OPM recommends that the Continuing Committee consult with the CT Department of Agriculture to resolve this technical issue. If the presence of prime agricultural soils is confirmed, the Continuing Committee should also be aware of the Council on Environmental Quality's publicly stated concerns regarding the potential for conversion of agricultural lands resulting from state actions.

#### Summary

OPM has gone to great lengths in its efforts to instill a bottom-up planning process that promotes a high degree of consistency between municipal, regional, and State plans, as required by Sections 8-23, 8-35a, and 16a-24-33 of the Connecticut General Statutes. However, the result of these efforts can be less than perfect when the local insight, knowledge and perspective of municipal officials and the public is lacking.

OPM believes that the C&D Plan, which was developed with the input of municipalities, regional planning organization and state agencies, and was the subject of numerous public hearings prior to its adoption by the General Assembly, should only be amended when there is a compelling need demonstrated by the affected community. Long-term interests of a community are best served when the municipality undertakes a full assessment of associated costs, conformity to environmental carrying capacity, and conformity to local policies for growth in defining its sewer service area. It should be noted that the State C&D Plan policies do allow for the extension of sanitary sewers into areas that are inconsistent with the Locational Guide Map when necessary to resolve specific public health and safety concerns. DEP has the latitude to address such issues on a case-by-case basis without requiring a change to the Locational Guide Map or affecting the Town's future Clean Water funding eligibility.

#### Recommendation

OPM recommends that the Continuing Committee not approve the Serenity Ranch, LLC request for an interim change for the reasons cited above.